

## Message Text

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PAGE 01 STATE 217165  
ORIGIN SCS-06

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-----117766 260942Z /21

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FM SECSTATE WASHDC

TO AMCONSUL NICE

INFO AMEMBASSY PARIS

UNCLAS STATE 217165

E.O. 11652: N/A

TAGS: CGEN (TUCKERMAN, TODD)

SUBJECT: JUDICIAL ASSISTANCE

REF: NICE 389 AND PREVIOUS

1. REFTEL INDICATES THAT ONLY WAY FOR FLORIDA OFFICIALS TO INTERVIEW POTENTIAL WITNESSES AT HOTEL WHERE TUCKERMAN WAS ARRESTED IS FOR A LETTER ROGATORY TO BE ADDRESSED TO MONEGASQUE AUTHORITIES FROM A COURT IN THE UNITED STATES.

2. LETTERS ROGATORY ARE USUALLY USED TO PROCURE EVIDENCE. EVIDENCE OBTAINED BY WAY OF A LETTER ROGATORY IS FREQUENTLY NOT ADMISSIBLE IN COURTS IN THE UNITED STATES IN A CRIMINAL PROCEEDING BY VIRTUE OF THE PRIVILEGE OF THE ACCUSED TO CONFRONT WITNESSES. FLORIDA ATTORNEY GENERAL'S OFFICE DOES NOT CONTEMPLATE AT THIS TIME TAKING DEPOSITIONS OF WITNESSES. HE WISHES TO BE ABLE TO SEND ONE OR MORE INVESTIGATORS TO MONACO WHO, WITH THE COOPERATION OF THE LOCAL AUTHORITIES, WILL SIMPLY SPEAK WITH INDIVIDUALS POSSESSING KNOWLEDGE OF THE CIRCUM-  
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STANCES OF THE ARREST AND WHO MAY AT SOME FUTURE DATE EITHER BE CALLED UPON TO ACT AS WITNESSES IN FLORIDA AT TUCKERMAN'S TRIAL OR WHO MAY BE ASKED TO RESPOND TO INTERROGATORIES BY WAY OF A LETTER ROGATORY PREPARED

UPON INVESTIGATIONS BY FLORIDA OFFICIALS IN MONACO. MOST COUNTRIES WILL ASSIST OTHER GOVERNMENTS' POLICE

OFFICIALS TO SPEAK WITH INDIVIDUALS WHO MIGHT HAVE INFORMATION USEFUL TO A PROSECUTOR. A LETTER ROGATORY AT THIS POINT SEEMS PREMATURE. ACCORDINGLY, POST CLARIFICATION ON THIS ISSUE WOULD BE VERY MUCH APPRECIATED.

3. DEPT WOULD ALSO LIKE ASSISTANCE IN ASCERTAINING FORMAT AND FORMALITIES FOR A LETTER ROGATORY TO MONACO SHOULD THAT BECOME NECESSARY. TO WHAT AUTHORITY SHOULD LETTER ROGATORY BE ADDRESSED, E.G. TO A MONEGASQUE COURT (IF SO, WHAT IS THE TITLE?) OR SIMPLY TO THE APPROPRIATE AUTHORITY IN MONACO. ALSO, DOES MONACO REQUIRE THE FLORIDA JUDGE'S SIGNATURE TO BE DULY AUTHENTICATED BY THE STATE OF FLORIDA, THE DEPARTMENT AND THEN BY THE MONEGASQUE AUTHORITIES HERE? NOTE THAT LAYERS OF AUTHENTICATION ARE NOT REQUIRED FOR FOREIGN LETTERS ROGATORY TO BE EXECUTED IN COURTS IN THE UNITED STATES AND THAT WE THINK THE AUTHENTICATION REQUIREMENT IS AN UNNECESSARY REQUIREMENT. WE UNDERSTAND ALSO THAT THE LETTER ROGATORY WOULD HAVE BE TO TRANSLATED INTO FRENCH. WOULD THE LETTER ROGATORY BE FORWARDED TO NICE OR PARIS FOR TRANSMISSION TO THE MONEGASQUE AUTHORITIES? CHRISTOPHER

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## Message Attributes

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**TAGS:** CGEN, (TUCKERMAN, TODD)  
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